

Notice of Allowability

Application No.

10/772,297

Examiner

Sunray Chang

Applicant(s)

FUJIBAYASHI ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/22/2007.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

P.O. Box 1450, Alexandria, Virginia 22313-1450 - www.USPTO.GOV

Examiner's Detailed Office Action

1. Claims 1 – 5 are allowed.
2. Claim 6 has been cancelled.

REASON FOR ALLOWANCE

3. The following is an Examiner's statement for reason for allowance:
4. Claims 1 – 5 are considered allowable since when reading the claims in light of the specification, as per MPEP 2111.01, none of the prior art of record teach or render obvious applicant's claimed invention. In particular, as pointed out below, the art lacks certain features and the combination as specified in the respective claim(s).
5. The features recited in claim 1, "calculating position data of the controlled axis by calculating the calculated position of the controlled axis corresponding to time as a function of the calculated position of the virtual axis moving at a fixed speed corresponding to time; storing the calculated position data on the calculated position of the controlled axis as a function of the calculated position of the virtual axis".
6. The features recited in claim 2, "... calculating the position of a virtual axis moving at a fixed speed corresponding to time; ... synthesizing the acquired state of the I/O signal with respect to the calculated position of the virtual axis; ... storing data on the acquired state of the I/O signal obtained by said means for acquiring the state of an I/O signal with respect to the calculated position of the virtual axis calculated by said means for calculating the position of a virtual axis".

7. The features recited in claim 3, “...calculating the position of a virtual axis function moving at a fixed speed corresponding to time; ... calculating position data on the calculated position of the controlled axis with respect to the calculated position of the virtual axis and the acquired state of the I/O signal; ... storing the position data on the calculated position of the controlled axis with respect to the calculated position of the virtual axis and the acquired state of the I/O signal”,

as mentioned above, the art lacks certain features and the combination when taken in context of the claim(s) as a whole, was not uncovered in the prior art. Moreover, the dependent claims 4 and 5 are allowed as they depend upon an allowable independent claim(s).

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments regarding Statement of Reason for Allowance”.

Correspondence Information

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Sunray Chang, who may be reached Monday through Friday, between 6:00 a.m. and 3:00 p.m. EST. or via telephone at (571) 272-3682 or facsimile transmission (571) 273-3682 or email sunray.chang@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Application/Control Number:
10/772,297
Art Unit: 2121

Page 4

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Finally, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Moreover, status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free @ 1-866-217-9197.

Sunray Chang
Patent Examiner
Generic Control System
Art Unit 2121

United States Department of Commerce
Patent & Trademark Office

Tuesday, January 29, 2008

SC

DAVID VINCENT
1/29/08
SUPERVISORY PATENT EXAMINER